

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE AVON COMPANY f/k/a NEW AVON :
LLC and LG H&H COMPANY, LTD., :
Plaintiffs, : **ORDER**
-against- :
FAREVA MORTON GROVE, INC. and :
FAREVA S.A., :
Defendants. :
----- X

ALVIN K. HELLERSTEIN, U.S.D.J.:

Ordinarily, a failure to respond to the rapid resolution of a discovery dispute, pursuant to Rule 2E of my Individual Rules of Practice, would be cause for a resolution in the protagonist's favor, even though the respondent wrote separately and later to present its position. For three reasons, I depart from my rule:

1. New counsel for Respondent has entered the case and has had had insufficient time to learn its intricacies.
2. Respondent indicates that it is likely to agree to most of the issues raised by Avon.
3. Respondent's new counsel has a reputation for seeking prompt and pragmatic results, and for not engaging in senseless argumentation and tactics of delay.

I am mindful that I have held that Fareva has breached its contract obligations and failed to comply with court orders. The proceedings before me have become contempt proceedings against Fareva. I am mindful also that time is commercially important to both parties. However,

instead of imposing a solution, it is preferable that I give the parties a chance to come to an agreed solution.

I will defer decision on Avon's demands for a short period of time to give counsel an opportunity to come to an agreed solution. If they fail to do so, the parties shall file a "2E" joint letter by January 31, 2023, at 3:00 p.m. I will then issue my rulings.

SO ORDERED.

Dated: January 23, 2023
New York, New York

/s/ Alvin K. Hellerstein
ALVIN K. HELLERSTEIN
United States District Judge